MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 635

H.P. 412

House of Representatives, February 14, 2023

An Act to Allow a Retired Law Enforcement Officer to Serve as a School Resource Officer Without Affecting That Officer's Retirement Benefits

(EMERGENCY)

Reference to the Committee on Labor and Housing suggested and ordered printed.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative CARLOW of Buxton.

Cosponsored by Representatives: BOYER of Poland, COLLAMORE of Pittsfield, GRIFFIN of Levant, NESS of Fryeburg, POIRIER of Skowhegan, THORNE of Carmel.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in order to ensure the safety of schools and protect the retirement benefits of police officers, this Act needs to take effect immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §17161 is enacted to read:

§17161. School resource officers

A retired law enforcement officer, as defined in Title 25, section 3701, subsection 3, who is receiving retirement benefits under this Part may become employed as a school resource officer, as defined in Title 20-A, section 6556, without any interruption or reduction in those retirement benefits to the extent allowed under applicable requirements of federal law and regulation, including, but not limited to, the United States Internal Revenue Code of 1986 and Internal Revenue Service regulations. The board shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A retired law enforcement officer who becomes employed as a school resource officer under rules adopted under this section may not accrue additional service credit or increases in earnable compensation.

Sec. 2. 20-A MRSA §6556, as enacted by PL 2021, c. 156, §1, is amended to read: **§6556. School resource officers**

A school resource officer shall complete diversity, equity and inclusion training or implicit bias training at least once during that officer's first year of employment as a school resource officer. For purposes of this section, "school resource officer" means a <u>an active</u> or retired law enforcement officer as defined in Title 25, section 3701, subsection 3 who works in a public school.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

31 SUMMARY

This bill directs the Maine Public Employees Retirement System to allow a retired law enforcement officer who is receiving retirement benefits to become employed as a school resource officer without any interruption or reduction in those retirement benefits to the extent allowed under applicable requirements of federal law and regulation, including, but not limited to, the Internal Revenue Code and Internal Revenue Service regulations. A retired law enforcement officer who becomes employed as a school resource officer under these rules may not accrue additional service credit or increases in earnable compensation.